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EXAMINER

LE, MICHAEL

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2163

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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,637	SEO ET AL.	
	Examiner	Art Unit	
	Michael Le	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary and Status of Claims

1. This Office Action is in response to Applicant's reply filed July 6, 2007.
2. Claim 2 is cancelled.
3. Claims 1 and 3-15 are pending.
4. Claim 9 is objected to for minor informalities.
5. Claims 1 and 3-11 are rejected under 35 U.S.C. 112, second paragraph.
6. Claims 1 and 3-15 are rejected under 35 U.S.C. 102(b,e) as being anticipated by Ijichi et al. (US Patent Pub 2002/0093886) of record.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

8. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 recites a limitation that already exists in claim 1.

Claim Rejections - 35 USC § 112

9. Claims 1 and 3-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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10. Claim 1 recites “a computer readable medium” in line 1. Claims 1, 3, 6 and 7 refer to “the recording medium” throughout, however, this limitation lacks antecedent basis. For the prior art rejections below, it will be interpreted as referring to the computer-readable medium of claim 1.

11. Claims 4, 5, 8 and 9-11 are rejected because they depend on a rejected claim.

12. The prior art rejections of claims 1 and 3-11 below are made as best understood in light of the rejection under 35 U.S.C. 112, second paragraph above.

Claim Rejections - 35 USC § 102

13. Claims 1 and 3-15 are rejected under 35 U.S.C. 102(b,e) as being anticipated by Ijichi et al. (US Patent Pub 2002/0093886) of record, hereinafter “Ijichi”.

14. In regards to **claim 1**, Ijichi discloses a computer-readable medium (Figs. 2B to 2D) having a data structure for managing playback control of the recording medium, comprising:

- a. a navigation area storing an information file including a first playback indicator, the first playback indicator identifying a navigation command field for execution at first playback of the recording medium (Fig. 5; para. 0116)¹, the first playback indicator including a name for the identified navigation command field (Fig. 6, “PTK1” is the name of the navigation command field, which is identified by the first row of the TOC, which is interpreted as the first playback indicator.), the navigation area further storing

¹ The memory stick directory structure is interpreted as the navigation area. The table of contents (TOC) is interpreted as the information file and it includes information such as access positions, song names, numbers, etc, all of which could individually be interpreted as a first playback indicator. See also figure 6, which shows a TOC where TRK1 can be interpreted as a first playback indicator, which identifies a navigation command field.

the identified navigation command field, the identified navigation command field

including at least one navigation command (Fig. 6; para. 0160, lines 2-4; para. 0174)².

15. In regards to **claim 3**, Ijichi discloses the computer-readable medium of claim 1, wherein the first playback is when the recording medium is first read (para. 0125, lines 4-7; para. 0160).

16. In regards to **claim 4**, Ijichi discloses the computer-readable medium of claim 1, wherein the identified navigation command field includes a navigation command for launching a playlist (Fig. 6; para. 0125, lines 4-7; para. 0160; "PTK1" launches the default playlist starting with track 1 since the device starts with track 1 by default).

17. In regards to **claim 5**, Ijichi discloses the computer-readable medium of claim 4, wherein the playlist includes navigation information for reproducing at least a portion of a clip file (para. 0125, lines 4-7; para. 0160).

18. In regards to **claim 6**, Ijichi discloses the computer-readable medium of claim 1, wherein the information file is stored in main directory, which is a sub-directory of a root directory for the recording medium (Fig. 5)³.

19. In regards to **claim 7**, Ijichi discloses the computer-readable medium of claim 6, wherein the first playback is when the recording medium is first read (para. 0125, lines 4-7; para. 0160).

20. In regards to **claim 8**, Ijichi discloses the computer-readable medium of claim 6, wherein the main directory further includes a playlist directory storing at least one playlist (Fig. 5; para.

² "PTK1" is interpreted as the navigation command field and it includes a navigation command to play track 1 as shown by the arrow.

³ As shown in figure 5, the TOC (information file) is stored in the HI-FI directory which is a sub-directory of a root directory.

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0121), a clip information file directory storing at least one clip information file (Fig. 5; para. 0121) and a stream directory storing at least one clip file (Fig. 5; para. 0121)⁴.

21. In regards to **claim 9**, Ijichi discloses the computer-readable medium of claim 6, wherein the first playback indicator includes a name for the identified navigation command field (Fig. 6, “PTK1” is the name of the navigation command field, which is identified by the first row of the TOC, which is interpreted as the first playback indicator.).

22. In regards to **claim 10**, Ijichi discloses the computer-readable medium of claim 8, wherein the identified navigation command field includes a navigation command for launching a playlist in the playlist directory (Fig. 7; para. 0125, lines 4-7; para. 0160; “PPL1” launches the corresponding playlist).

23. In regards to **claim 11**, Ijichi discloses the computer-readable medium of claim 10, wherein the playlist includes navigation information for reproducing at least a portion of a clip file in the stream directory (para. 0125, lines 4-7; para. 0160)⁵.

24. In regards to **claim 12**, Ijichi discloses a method of recording a data structure for managing playback control of a recording medium, comprising:

- a. recording an information file on the recording medium, the information file including a first playback indicator, the first playback indicator identifying a navigation command field for execution at first playback of the recording medium (para. 0119), the first playback indicator including a name for the identified navigation command field

⁴ Fig. 5 shows a directory for HI-FI, which stores all three types of data of playlists, clip information and a clip file. Paragraph 0121 discusses that the directory is but an example and that other files and sub-directories could exist.

⁵ An audio file is reproduced, which is in the directory and potentially be in a stream directory as explained in footnote 4.

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(Fig. 6, “PTK1” is the name of the navigation command field, which is identified by the first row of the TOC, which is interpreted as the first playback indicator.); and

b. recording the identified navigation command field on the recording medium, the identified navigation command field including at least one navigation command (para. 0119).

25. In regards to **claim 13**, Ijichi discloses a method of reproducing a data structure for managing playback control of a recording medium, comprising:

a. reproducing an information file from the recording medium, the information file including a first playback indicator, the first playback indicator identifying a navigation command field for execution at first playback of the recording medium (Fig. 9; para. 0119), the first playback indicator including a name for the identified navigation command field (Fig. 6, “PTK1” is the name of the navigation command field, which is identified by the first row of the TOC, which is interpreted as the first playback indicator.); and

b. reproducing the identified navigation command field from the recording medium, the identified navigation command field including at least one navigation command (Fig. 9; para. 0119).

26. In regards to **claim 14**, Ijichi discloses an apparatus for recording a data structure for managing playback control of a recording medium, comprising:

a. a drive for driving an optical recording device to record data on the recording medium (Fig. 3C);

b. a controller for controlling the drive to record an information file on the recording medium, the information file including a first playback indicator, the first playback indicator identifying a navigation command field for execution at first playback of the recording medium, the first playback indicator including a name for the identified navigation command field (Fig. 6, "PTK1" is the name of the navigation command field, which is identified by the first row of the TOC, which is interpreted as the first playback indicator.); and the controller controlling the drive to record the identified navigation command field on the recording medium, the identified navigation command field including at least one navigation command (Para. 0085).

27. In regards to **claim 15**, Ijichi discloses an apparatus for reproducing a data structure for managing playback control of a recording medium, comprising:

a. a drive for driving an optical reproducing device to reproduce data recorded on the recording medium (Fig. 3C);

b. a controller for controlling the drive to reproduce an information file from the recording medium, the information file including a first playback indicator, the first playback indicator identifying a navigation command field for execution at first playback of the recording medium, the first playback indicator including a name for the identified navigation command field (Fig. 6, "PTK1" is the name of the navigation command field, which is identified by the first row of the TOC, which is interpreted as the first playback indicator.); and the controller controlling the drive to reproduce the identified navigation command field from the recording medium, the identified navigation command field including at least one navigation command (Para. 0085).

Response to Amendment

Drawings

28. Applicant's amendment to the drawings to address prior art labeling is acknowledged. Consequently, objection to the drawings is withdrawn.

Objection to claims 12-15 for Minor Informalities

29. Applicant's amendment to claims 12-15 to address the minor informalities is acknowledged. Consequently, the objection to claims 12-15 is withdrawn.

Rejection of Claims 10 and 11 under 35 U.S.C 112, Second Paragraph

30. Applicant's amendment to claims 10 and 11 is acknowledged. The rejection to claims 10 and 11 under 35 U.S.C. 112, second paragraph is withdrawn.

Response to Arguments

Rejection of Claims 1-11, 14 and 15 under 35 U.S.C 101

31. Claim 2 is cancelled rendering the rejection to it under 35 U.S.C. 101, moot.

32. Applicant's amendment to claims 1, 3-11, 14 and 15 is acknowledged. Applicant's arguments have been fully considered and are persuasive. Consequently, the rejection to claims 1, 3-11, 14 and 15 under 35 U.S.C. 101 is withdrawn.

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Rejection of claims 1-15 under 35 U.S.C. 102(b,e)

33. Claim 2 is cancelled rendering the rejection to it under 35 U.S.C. 102(b,e) moot.

34. Applicant's arguments in regards to the rejections to claims 1 and 3-15 under 35 U.S.C. 102(b,e), have been fully considered but they are not persuasive. Applicant alleges that Ijichi fails to disclose "a first playback indicator identifying a navigation command field ... [the] navigation command field including at least one navigation command controlling playback of the recording medium" (Remarks at 10.) The Examiner respectfully disagrees.

35. Ijichi discloses the access positions, names and numbers, which identify a navigation command field (for example PTK1 in figure 6). PTK1 in figure 6 is interpreted as a navigation command field because it points to particular tracks, which control the playback of the recording medium. Each track is played according to the TOC. Each track is played without any particular interaction from the user. Therefore, "navigation" is performed through the PTK fields (navigation command fields). Ijichi at para. 0125; para. 0160. Thus, Ijichi clearly discloses a first playback indicator identifying a navigation command field, wherein the navigation command field including at least one navigation command controlling playback of the recording medium.

36. Consequently, the rejection to claims 1 and 3-15 under 35 U.S.C. 102(b,e) is maintained.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

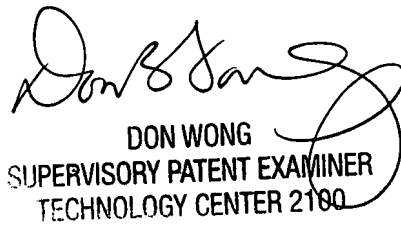
39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Le whose telephone number is 571-272-7970. The examiner can normally be reached on Mon-Thurs : 9:30am-6pm, Fri: 8am-4:30pm.

40. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

41. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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October 1, 2007